

### **Remarks**

In response to the Office Action mailed May 17, 2006, the Applicant respectfully requests reconsideration in view of the following remarks. In the present application, claims 31, 33, 36, and 41 have been amended and new claim 42 has been added. The claims have been amended to clarify that the subscription code is associated with two or more different subscribers based on the time of day such that a subscriber associated with the telephone number retrieved at the second time of day is different from the subscriber associated with the telephone number retrieved at the time of day when the call was initiated and that a predetermined round robin order may be utilized to select subscribers such that each of a plurality of subscribers has the same chance of being contacted by a caller using a subscription code. New claim 42 has been added to specify that the predetermined round robin order may also be utilized such that one of the plurality of subscribers has a greater chance of being contacted by a caller using a subscription code than a remaining plurality of subscribers. Support for the claim amendments and the new claim may be found in paragraphs 0072 and 0088 in the Specification. No new matter has been added.

In the Office Action, claims 31-33 and 36-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Masek (US 5,272,749) in view of Riskin (US 4,757,267) and further in view of Greenberg et al. (US 2001/0038624, hereinafter “Greenberg”).

### **Claim Rejections - 35 U.S.C. §103**

In the Office Action, claims 31-33 and 36-41 are rejected as being unpatentable over Masek in view of Riskin and Greenberg. The rejection of these claims is respectfully traversed.

Amended independent claim 31 specifies a method for providing subscription code services in a geographical area. The method includes allocating a plurality of subscription codes for the services; provisioning a trigger at each of at least one switch within the geographical area, wherein the trigger is adapted to detect calls initiated by one or more callers using one of the subscription codes; querying a controller for call routing instructions when a call initiated by a caller using a subscription code is detected at a switch and a time of day when the call was initiated; determining an originating region from which the call was initiated; retrieving a telephone number from a table containing associations of the subscription code to multiple telephone numbers corresponding to different originating regions based at least in part on the subscription code, the time of day when the call was initiated such that the telephone number retrieved is different at the time of day than it is at a second time of day, and the originating region determined for the call, wherein the telephone number is substantially permanently assigned to the subscription code and wherein the subscription code is associated with two or more different subscribers based on the time of day such that a subscriber associated with the telephone number retrieved at the second time of day is different from the subscriber associated with the telephone number retrieved at the time of day when the call was initiated; and terminating the call using the retrieved telephone number.

It is respectfully submitted that the combination of Masek, Riskin, and Greenberg fails to teach, disclose, or suggest each of the features specified in amended independent claim 31. For example, the aforementioned references fail to disclose that the subscription code is associated with two or more different subscribers based on the time of day such that a subscriber associated with the telephone number retrieved at the second

time of day is different from the subscriber associated with the telephone number retrieved at the time of day when the call was initiated.

Masek discloses a telephone dialing system which translates a customer selected or created telephone number to a second telephone number having a standard digit sequence (col. 3, lines 9-21). Riskin discloses a dealer referral service to connect customers to nearby dealers. If multiple dealers are equidistant, the customer is given the choice of choosing among the provided list (col. 1, line 65 through col. 4, line 11). As conceded in the Office Action, however, the combination of Masek and Riskin fails to disclose offering a caller a selection of different telephone numbers associated with subscribers depending on the time of day. Greenberg is relied upon to cure the deficiencies of Masek and Riskin for allegedly teaching the retrieval of different telephone numbers based on the time of day, the telephone numbers being associated with a single merchant (i.e., an east coast call center and a west coast call center). Indeed, Greenberg is particularly concerned with the use of Internet telephony for contacting a single merchant by accessing a link on merchant's web page which may route customer calls to different telephone numbers associated with the merchant (see col. 8, par. 0066). However, Greenberg fails to teach, disclose, or suggest that the different telephone number selected based on the time of day is associated with a different subscriber than the subscriber associated with a called telephone number, as specified in amended claim 31. As noted above, Greenberg, at most, merely discloses that the same subscriber (i.e., a merchant) may offer different telephone numbers to Internet telephony users based on the time of day from a web page. Furthermore, regarding the Examiner's assertion that retrieving different telephone numbers at

different times of day is a popular feature in telecommunications systems, the Applicant respectfully disagrees particularly with respect to the different telephone numbers being associated with different subscribers associated with a common subscription code, as specified in amended claim 31. Finally, it is submitted that there is no explicit or implicit suggestion, teaching, or motivation to combine Greenberg and/or Riskin with Masek as Masek is merely concerned with the translation of a customer created telephone number into a standard telephone number and thus fails to disclose the retrieving of telephone numbers (see col. 3, line 9 through col. 6, line 12). Moreover, there appears to be no teaching in Masek of offering multiple telephone numbers to callers or the choosing of multiple telephone numbers by callers when dialing the customer created number. As noted in the previous Office Action, a reference must provide an explicit or implicit suggestion, teaching or motivation to be §103 prior art. See, *In Re Dembiczak*, 175 F.3d 994, 50 U.S.P.Q.2d (BNA) 1614 (Fed. Cir. 1999).

Based on the foregoing, the combination of Masek, Riskin, and Greenberg fails, amended independent claim 31 is allowable and the rejection of this claim should be withdrawn. Claim 32 depends from claim 31 and is allowable for at least the same reasons. Amended independent claims 33 and 36 recite similar features as those found in amended claim 31 and are thus allowable for at least the same reasons. Claims 37-38 depend from claim 36 and are thus allowable for at least the same reasons. Therefore, the rejection of claims 32-33 and 36-38 should also be withdrawn.

Regarding claims 39-41, the Examiner appears to not have addressed specific features recited in these claims which were argued as being allowable over Masek and Riskin in Applicant's previous response filed on February 28, 2006. In particular, these

claims recite offering the selection of retrieved telephone numbers corresponding in a predetermined round robin order such that a second caller on a second call is presented with the plurality of retrieved telephone numbers in a different order than a first caller and such that each of a plurality of subscribers has the same chance of being contacted by a caller using a subscription code. In the Office Action, these claims were rejected over Masek and Riskin but as discussed in Applicant's previous response, there appears to be no disclosure of a predetermined round robin selection of telephone numbers in either of these references. Furthermore, based on the discussion of Greenberg (above) it is also submitted that this reference also fails to teach a predetermined round robin selection of telephone numbers such that different callers are presented with retrieved telephone numbers in a different order or such that multiple subscribers have the same chance of being contacted by a caller using a subscription code. Therefore, claims 39-41 are allowable and the rejection of these claims should also be withdrawn.

#### New Claim 42

New claim 42 specifies a method for providing subscription code services in a geographical area. The method includes allocating a plurality of subscription codes for the services; provisioning a trigger at each of at least one switch within the geographical area, wherein the trigger is adapted to detect calls initiated by callers using one of the subscription codes; querying a controller for call routing instructions when a call initiated by a caller using a subscription code is detected at a switch; retrieving a plurality of telephone numbers from a table containing associations of the subscription code to multiple telephone numbers based at least in part on the subscription code, wherein the multiple telephone number are substantially permanently assigned to the subscription

code and are associated with a plurality of subscribers associated with the subscription code; selecting for the first caller one of the multiple telephone numbers associated with one of the plurality of subscribers associated with the subscription code in a predetermined round robin order such that one of the plurality of subscribers has a greater chance of being contacted by the caller using the subscription code than the remaining plurality of subscribers; and terminating the call using the selected telephone number.

As discussed above with respect to claims 39-41, new claim 42 also specifies a predetermined round robin order. In new claim 42, the predetermined round robin order is utilized such that one of the plurality of subscribers has a greater chance of being contacted by the caller using the subscription code than the remaining plurality of subscribers. Based on the previous discussion, it is respectfully submitted that the cited references of record fail to teach, disclose, or suggest at least this feature. Therefore, claim 42 is also allowable.

### **Conclusion**

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicant's attorney at the number listed below.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

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Respectfully submitted,

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